

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**JEFFREY CABE, SEAN FREY, ANITA
POTEETE, RONDA ROHDE, ROBERT
SNELL, JEFFREY MOORE and ELISA
TINNELL, MICHAEL KAP, KAREN
ROBERTSON, JIM WESTRA, JOHNNY
RUIZ, ARCHIE ROBINSON, DECODA
KEYS and NORMA MOODY, Each
Individually and on Behalf of All Others
Similarly Situated,**

Plaintiffs,

v.

**EVERGREEN PACKAGING LLC and
PACTIV EVERGREEN INC.,**

Defendants.

Case No. 1:24-CV-01316

Hon. John Robert Blakey

Hon. Jeffrey T. Gilbert

**DECLARATION OF KELLY RODGERS IN SUPPORT OF DEFENDANTS’
OPPOSITION TO PLAINTIFFS’ MOTION FOR CONDITIONAL CERTIFICATION**

I, Kelly Rodgers, hereby declare as follows:

1. I am over 18 years of age and competent to testify as to the matters in this Declaration. I have personal knowledge of the facts set forth in this declaration, or I have knowledge of such facts based on my review of the business records and files of Pactiv LLC (the “Company” or “Pactiv”). If called as a witness, I could and would testify competently to such facts contained herein.

2. I am the Human Resources Manager at Pactiv LLC’s Frankfort, Illinois location and have been in this role for four years. As the Human Resources Manager, I am responsible for employee relations, compensation, hiring, staffing, compliance, project management, and more.

3. The Frankfort facility operates 24 hours a day, 7-days a week. There are five primary departments at the facility: Thermoforming, Extrusion, Maintenance, PIC, and Warehouse/Shipping and Receiving. The Warehouse department has its own Human Resources Department and business unit leaders. Employees operate on twelve-hour rotating schedules of 7:00 am to 7:00 pm and 7:00 pm to 7:00 am. There is a small subset of maintenance employees who operate on a 7:00 am to 3:00 pm schedule. The facility employs 268 hourly employees and eighteen salaried, nonexempt employees.

4. The Frankfort facility utilizes a 7-minute grace period rounding policy for the start and end of employee shifts. This timekeeping practice allows employees to punch-in no more than 7-minutes prior to their scheduled shift-start time and punch-out no more than 7-minutes after the end of their scheduled shift end time. Employees are not required to work, and to my knowledge, do not perform any work between the time they punch in, and the time of their scheduled shift start. I am unaware of any complaints from employees about working during the 7-minute grace period window. Time punches outside of the 7-minute window are paid to the punch. The 7-minute grace period is meant to provide a short window of time for employees to punch-in so that they are prepared to begin their work at the start of their scheduled shift time.

5. I am unaware of any employees performing work off-the-clock and no employee has complained to me about working off-the-clock at any point during my tenure with the Company. Ms. Anita Poteete has been employed at the Frankfort facility since approximately March of 1989 and she currently works as an operator specialist in the Thermoforming department. There is no record of Ms. Poteete ever making a complaint of not getting paid for all of her work or of having to perform off-the-clock work. A review of Ms. Poteete's time and pay records confirm that Ms. Poteete actually has been overpaid by 2.41 minutes per shift over her last three

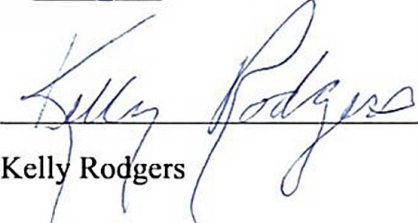
years of working for Pactiv. The overpayment totals approximately 21 hours just within those last three years.

6. We have one consistent policy at the Frankfort facility and that is employees are prohibited from working off-the-clock and supervisors are instructed to ensure that employees are not working off-the-clock.

7. If there is ever any issue with a missed punch or time adjustment, an employee can notify a supervisor, who will then adjust the time accordingly. The employee's time is then changed to reflect the hours they worked.

I hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge and that I would so testify if called upon to do so in this matter.

Executed this ⁴⁶⁷27 day of June 2024 in Frankfort, Illinois.



Kelly Rodgers